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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,478	01/18/2002	Daniele Bergo	U013832-4	7271
7590	03/24/2005		EXAMINER BAUTISTA, XIOMARA L	
Ladas & Parry 26 West 61 Street New York, NY 10023			ART UNIT 2179	PAPER NUMBER

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4/C

Office Action Summary

Application No.

10/052,478

Applicant(s)

DANIEL BERGO ET AL

Examiner

X L Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment, filed 19 November 2004, with respect to the rejection(s) of claim(s) 1-14 under Habib et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Birchenough et al and Moore.

Claim Objections

2. Claims 1-14 and 16-21 are objected to because of the following informalities: Claims 1-14 and 16-21 include numerals inside parenthesis, which make reading difficult and confusing. All the parenthesis and enclosed numerals must be eliminated. Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claim 1 recites the limitation " the improvements comprising" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10, 13, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Birchenough et al* (US 6,615,091 B1) and *Moore* (US 5,877,961).

Claims 1, 16 and 17:

Birchenough discloses an automatic machine for producing and handling various articles (abstract; col. 1, lines 19-29; col. 3, lines 51-64; col. 12, lines 1-4; col. 24, lines 31-39; col. 39, lines 54-60; col. 40, lines 32-37; col. 41, lines 1-28; col. 42, lines 1-29; having a number of operating devices (fig. 1); control units for controlling the operating devices and for changing a first configuration to a second configuration

(figs. 1 & 49; col. 3, lines 1-16; col. 8, lines 40-57; col. 10, lines 23-33; col. 20, lines 45-67; col. 34, lines 8-26; col. 40, lines 43-56; col. 42, lines 10-29). Birchenough does not teach displaying an orderly list of operations to be performed on the machine to convert from a first configuration to a second configuration. However, Moore discloses a computer-controlled electronic support system having a computer, display screen and pointing device coupled to a processor where an operator can perform an operation on a workpiece. Moore teaches that assistance is provided to the user to assist in performing a particular support operation on a workpiece. Moore teaches that help may be provided using text, graphics and images may be used to display helpful instructions (col. 1, lines 61-67; col. 2, lines 1-3, 10-18, 44-58; col. 6, lines 29-32; col. 7, lines 57-67; col. 8, lines 1-20, 63-67; col. 10, lines 1-12; col. 14, lines 66-67; col. 15, lines 1-19) and a list of options or instructions (col. 1, lines 42-50; col. 2, lines 20-31; col. 12, lines 51-67; col. 13, lines 1-21, 41-46) may be provided to the user with operations to be performed on a workpiece or machine. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Birchenough's control system to include Moore's list of options because the operator is enabled to choose a desired configuration without any effort and without having any skill with computers or knowledge of how the entire machine or a particular workpiece works.

Claim 2:

See claim 1. Moore discloses a list (steps) of options or instructions to be performed according to a given sequence (figs. 3A-3E, 4, 6, 7, 10).

Claim 3:

See claim 2. Birchenough/Moore discloses a plurality of configurations, a menu of options for the user to choose from, and instructions of operations to be performed according to the type of configuration (different parameter values) that has been selected (Birchenough: col. 34, lines 8-26; col. 40, lines 43-56; col. 41, lines 1-67; col. 42, lines 1-29).

Claims 4 and 5:

See claim 3. Birchenough teaches generation of machine/part identification by using text, graphics, or numeric values (col. 6, lines 29-43; col. 8, lines 17-20, 63-67; col. 9, lines 1-4; col. 10, lines 1-12; col. 12, lines 51-67; col. 13, lines 1-21, 41-46).

Claim 6:

See claim 4. Birchenough teaches a configuration database (col. 43, lines 24-44).

Claims 7-9:

See claim 1. Moore teaches that in association with an operation, a description is displayed of the operations to be performed to carry out said operation

(col. 1, lines 42-50; col. 2, lines 20-31; col. 12, lines 51-67; col. 13, lines 1-21, 41-46).

Claim 10:

Birchenough teaches that images, graphics and text may be used for displaying operations and/or additional information (col. 1, lines 40-67; col. 2, lines 1-58).

Claim 13:

See claim 3. Birchenough teaches a plurality of control units (process station controllers 614, 616, 618; processing stations 6, 14, 16; control coordinator 610; human machine interface 626; etc.), (figs. 1 & 49).

Claim 14:

See claim 3. Operators must perform every operation of the current displayed instructions to enable the system to operate new operating parameters.

Claim 18:

Birchenough teaches the system permits off-line set-up and calibration, and that the system is capable of rapidly incorporating product design changes (col. 2, lines 38-59).

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Birchenough/Moore* and *Lui et al* (US 6,340,977 B1).

Claims 11 and 12:

Birchenough teaches that video (and sound) may be used to remotely diagnose failures or defects (col. 60, lines 62-67; col. 61, lines 1-56). Birchenough/Moore does not teach that respective video film with sound is displayed for each elementary operation. However, Lui discloses a help assistance system for interactively assisting an operator. The system uses two types of assistance enhancements, text and animated objects. Lui teaches a guide character that can be displayed in conjunction with the processing of a sound or a voice file to aurally convey information (col. 4, lines 10-23; col. 8, lines 36-67; col. 9, lines 1-3). Therefore, it would have been obvious to one ordinarily skilled in the art at the time of invention to include Lui's teaching of using video/sound when displaying elementary operations to the user because they provide the user with the opportunity to learn and understand simple and complex operations by guiding him step by step using video images representing parts or operations to perform and spoken instructions to further facilitate interaction with the system.

8. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Birchenough/Moore* and *Focke* (US 6,193,051 B1).

Claims 19 and 20:

Birchenough teaches that the control system and control software may be used in various other applications to control many other types of manufacturing processes (col. 41, lines 1-30, 46-67) but it does not teach the machine is a packing machine. However, Focke discloses a machine for handling cigarettes, the machine having a reservoir, a maker, and a packer (abstract; col. 1, lines 39-64; col. 2, lines 43-47). The system has different configurations for the maker and the packaging machine (col. 5, lines 36-67). Thus, it would have been obvious to one ordinarily skilled in the art at the time of invention to use Birchenough's teachings of a machine that can be used for processing various products with Focke's teaching of a packaging machine having different configurations because as Birchenough says, its invention may be used in multiple machines without requiring major changes to the system.

Claim 21:

See claim 19. Focke teaches a maker for cigarettes and a packaging machine (col. 2, lines 43-47).

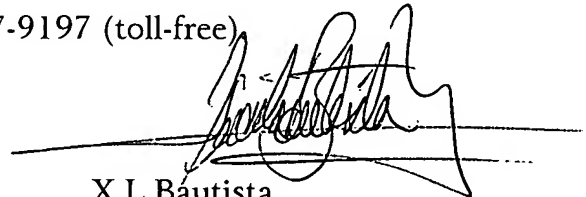
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (7571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'X L Bautista', is written over a horizontal line.

X L Bautista
Primary Examiner
Art Unit 2179

xlb
March 17, 2005